IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 492 of 2003 (S/B)

J.S. Dobal,
S/o Late Sri Keshar Singh Dobal,
Presently posted as Principal/Joint Director,
Government Ploytechnic (Technical Education),
Uttaranchal, Srinagar,
District Pauri Garhwal. ……. Petitioner

Versus

1. State of Uttaranchal through Principal Secretary,
   Technical Education,
   Human Resource Development Department,
   Uttaranchal, Dehradun.
2. Additional Secretary, Technical Education,
   Dehradun, District Dehradun.
3. A.S. Bisht, Principal,
   Government Polytechnic, Nainital. ……. Respondents

Mr. L.P. Naithani, Senior Advocate assisted by Mr. Rakesh Thapliyal, Advocate for the petitioner.
Mr. V.K. Bisht, Senior Advocate assisted by Ms. Seema Sirohi, Advocate for the respondent No. 3.
Mr. K.P. Upadhyaya, Standing Counsel for the State.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Prafulla C. Pant, J.

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

1. Heard Mr. L.P. Naithani, Senior Advocate assisted by Mr. Rakesh Thapliyal, Advocate for the petitioner, Mr. V.K. Bisht, Senior Advocate assisted by Ms. Seema Sirohi, Advocate for respondent No. 3 and Mr. K.P. Upadhyaya, Standing Counsel for the State.

2. It is clear from the order passed dated 19.05.2004, the copy of which has been supplied by the senior counsel Mr. V.K. Bisht that the original order dated 07.10.2003, which is impugned in this writ petition, is no more in existence since it has been replaced by order dated 19.05.2004. It is clear that the order dated 19.05.2004 has been passed after giving the hearing to the petitioner Sri J.S. Dobhal, who

was directed to be heard by the earlier order passed on 22.09.2003 by the division Bench of this Court consisting of Hon'ble C.J. and Hon'ble R. Tandon, J., which is as under:

> "Secretary, Technical Education, Government of Uttaranchal will hear and decide the petitioner's representation in accordance with law giving reasons within a period of four weeks from today. While deciding the matter, he will not be influenced by his earlier order dated 30.05.2003. In view of this order, the writ petition is disposed of. Interim order will continue till the Secretary, Technical Education decides the matter. We are not expressing any opinion of the merit of the case.
>
> Sd/- Hon'ble C.J.
> Sd/- Hon'ble R. Tandon, J."

3. In that view, the present writ petition has become infructuous. However, if the petitioner wants to challenge the order dated 19.05.2004, he has a specific remedy by way of an original application before the Public Service Tribunal, the Bench of which is available in Nainital. The writ petition is declared as infructuous. The petitioner may, if he so chooses, approach the Tribunal for further reliefs.

4. Accordingly, the wit petition is disposed of as infructuous.

(P.C. Pant, J.) **(V.S. Sirpurkar, C.J.)**
09.03.2005 **09.03.2005**

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